

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH CARE ALLIANCE, et al.

Plaintiffs,

v.

ASTRAZENECA PHARMACEUTICALS, L.P.,  
*et al.*,

Defendants.

Civil Action No. 05-10335 DPW

**PLAINTIFFS' STATEMENT**

Pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1, Plaintiffs furnished a draft of this statement to Defendants. To date, Defendants have failed to respond. Pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1, Plaintiffs state as follows:

**A. Joint Discovery Plan**

1. *Plaintiffs' Position.* Plaintiffs believe that the filing of a remand motion should not delay the timing of discovery which would be occurring in state court had this case not been removed. Plaintiffs believe that initial disclosures should be made as required by Rule 26.

In addition, plaintiffs believe that the first phase of discovery should focus on document production, including documents relating to defendants' promotional efforts with respect to Nexium, studies regarding the efficacy of Nexium and documents relating to class certification issues. Plaintiffs believe this discovery can be completed in six months.

Plaintiffs believe that they will need to conduct depositions of defendant employees in the following areas:

- a. The "Shark Fin" team that developed the Nexium plan.
- b. The testing of Nexium and its efficacy.
- c. The promotional efforts directed toward doctors.
- d. The consumer advertising campaign.
- e. Sales and pricing.

Plaintiffs believe this will involve 15-25 depositions.

2. *Defendants' Position.*

**B. The Filing of Motions**

1. *Motion to Remand.* Defendants' opposition to Plaintiffs' motion to remand is due on April 12, 2005 and a reply is due on April 22, 2005.

2. *Motion For Class Certification.* Plaintiffs will move for a class of all purchasers of Nexium in the State of Massachusetts. Plaintiffs propose the following schedule with respect to class certification:

- a. April 10 – June 10, 2005: Any discovery relating to class certification to be completed.
- b. June 30, 2005: Motion for Class Certification filed.
- c. July 30, 2005: Opposition.
- d. August 15, 2005: Reply

The parties believe that a further status conference setting a final discovery cutoff and pretrial dates should occur in June 2005.

DATED: April 4, 2005.

Respectfully submitted,

COMMONWEALTH CARE ALLIANCE,  
HEALTH CARE FOR ALL, GLENN  
CRENSHAW, and PAULA CRENSHAW.

By their Attorneys

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Thomas M. Sobol  
Thomas M. Sobol, BBO #471770  
Wanda Garcia, BBO #658066  
One Main Street, Fourth Floor  
Cambridge, MA 02142  
Telephone: (617) 482-3700  
Facsimile: (617) 462-3003

Steve W. Berman  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594

**CERTIFICATE OF SERVICE**

I, Thomas M. Sobol, hereby certify that on April 4, 2005, I served a copy of the foregoing Plaintiffs' Statement on counsel to all parties to this proceeding by placing a copy of the same in the United States mail, properly addressed and first class postage prepaid.

Harvey J. Wolkoff  
Joshua S. Levy  
Peter L. Welsh  
ROPES & GRAY  
One International Place  
Boston, MA 02110-2624  
(617) 951-7000

By /s/ Thomas M. Sobol  
Thomas M. Sobol